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**ATTACHMENT #2**

**NATIONAL CRIME PREVENTION AND PRIVACY COMPACT**

**COMPACT COUNCIL**

**BYLAWS**

**ADOPTED NOVEMBER 17, 1999**

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### APPENDIX 1

National Crime Prevention and Privacy Compact Act of 1998

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## **1.0**

### **ESTABLISHMENT OF THE COMPACT COUNCIL**

The Compact Council for the National Crime Prevention and Privacy Compact ("Compact Council") is created pursuant to the "National Crime Prevention and Privacy Compact Act of 1998" (Public Law 105-251, Title II, Subtitle A).

## **2.0 FBI COMPACT OFFICER**

The Director of the FBI shall appoint an FBI Compact officer who shall:

- (A) Administer the Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI.
- (B) Ensure that Compact provisions and rules, procedures, and standards prescribed by the Compact Council under Article VI of the National Crime Prevention and Privacy Compact are complied with by the Department of Justice and the Federal agencies and other agencies and organizations; and
- (C) Regulate the use of records received by means of the III system from Party States when such records are supplied by the FBI directly to other Federal agencies.

The FBI Compact officer shall facilitate the appointment of Compact Council members with the Attorney General and provide staff support to the Compact Council, its officers, and its subcommittees.

## **32.0 MEMBERSHIP OF THE COMPACT COUNCIL**

The Compact Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

- (A) Nine members, each of whom shall serve a two-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.
- (B) Two at-large members, nominated by the Director of the FBI, each of whom shall

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(C) Two at-large members, nominated by the Chairman of the Compact Council (“Chairman”), once the Chairman is elected, each of whom shall serve a three-year term, of whom:

..... (1)

..... (2)

(D)One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

(E)One member, nominated by the Director of the FBI, who shall serve a three-year term, and who shall be an employee of the FBI.

### 43.0 TERM OF MEMBERS

Except for the initial appointments made under Section 32.0 (C) above, each term shall begin on October 1st. All terms shall end on September 30th at the end of one, two, or three years as necessary to fulfill the requisite term.

The term of the initial appointments made under 32.0 (C) shall begin on the date of appointment and end on September 30, 2002. The term of chief administrators of criminal history record repositories of Nonparty States appointed on an interim basis shall end one year after the effective date of their appointment.

In the case of a vacancy that occurs before the end of a term, such vacancy shall be filled as specified in Section 65. There shall be no limit on the number of times a Council member may be reappointed, provided that he/she shall have been renominated as specified in Section 32.0 of these Bylaws, before each reappointment.

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### **54.0 END-OF-TERM APPOINTMENT PROCESS**

Prior to the end of a Compact Council member's term, the nomination process described in Section 32 and in this Section shall be followed to obtain an appointment for the next term. By August 1st, the Attorney General shall be given nominations for the new term.

#### **54.1 MEMBERS RECOMMENDED BY COMPACT OFFICERS OF ALL PARTY STATES**

If there are nine or fewer Party States, the Chairman shall ask each state Compact officer whether he/she wants to be nominated to serve on the Compact Council. If this solicitation results in fewer than nine candidates, the Chairman shall ask the state Compact officers for nominations of chief administrators of the criminal history record repositories of Nonparty States and have the state Compact officers vote on the nominees to select a sufficient number.

If there are more than nine Party States, with Compact officers available to serve on the Compact Council, the Chairman shall ask each state Compact officer whether he/she wants to be nominated to serve on the Compact Council. If this solicitation results in fewer than nine candidates, the Chairman shall follow the procedure described in the preceding paragraph. If this solicitation results in more than nine candidates, the Chairman shall conduct an election during the month of July with each Compact officer voting for nine candidates. In the case of an election that does not conclusively identify nine nominees, the Chairman shall conduct a run-off election as necessary to resolve a tie(s). The Chairman shall nominate the nine Compact officers receiving the highest number of votes. The Chairman shall forward these nominations to the Attorney General by August 1st.

The Chairman shall retain a list of the number of votes received by the remaining candidates, identified as alternates, for use in filling vacancies. This list shall be valid until the next election.

#### **54.2 MEMBERS NOMINATED BY THE DIRECTOR OF THE FBI**

In those years when necessary, the Director of the FBI shall submit a nominee(s) to the Attorney General by August 1st.



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### **54.3 MEMBERS NOMINATED BY THE CHAIRMAN OF THE COMPACT COUNCIL**

Before making these nominations, the Chairman shall request recommendations for these nominations from all members of the Compact Council and the Compact officers of other Party States. The Chairman shall consider, but not necessarily nominate from the recommended individuals. Considering the recommended individuals, tThe Chairman shall select two nominees and two alternates. The alternates shall be used to fill a vacancy that might occur, as specified in Section 65. In those years when necessary, the Chairman shall submit the two nominees to the Attorney General by August 1st.

### **54.4 FBI'S ADVISORY POLICY BOARD (APB) MEMBER NOMINATED BY THE APB**

In those years when necessary, the Chairman of the APB shall submit a nominee to the Attorney General by August 1st.

## **65.0 VACANCIES**

If a member vacates his/her position on the Compact Council with less than six months remaining in his/her term, a new name shall be submitted to the Attorney General to appoint a new Compact Council member effective October 1 of that year, as if the member had completed his/her term. If a member vacates his/her position on the Compact Council with six or more months remaining in his/her term, the Attorney General shall be asked to appoint a new Compact Council member to fill the remainder of the term (i.e., a partial term), as described later in this Section of the Bylaws. All persons appointed due to vacancies shall have been duly nominated as specified in Section 32.0.

### **65.1 VACANCY WITH LESS THAN SIX MONTHS REMAINING IN TERM**

The end-of-term process as described in Section 54.0 of these Bylaws shall be followed.

### **65.2 VACANCY WITH SIX MONTHS OR MORE REMAINING IN TERM**

#### **(A) COMPACT OFFICER OR NONPARTY STATE MEMBER RECOMMENDED BY COMPACT OFFICERS OF ALL PARTY STATES**

The Chairman shall forward the name of the individual who received the most votes as an alternate, as specified in Section 54.1, to the Attorney General for appointment to serve out the term. As additional vacancies occur, the Chairman shall submit the names of the individuals receiving the next highest votes to the Attorney General for appointment to serve out the term. If no available

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candidates remain on this list, the Chairman shall hold a special election to obtain this nomination(s) and possible alternates for future use.

### **(B) AT-LARGE MEMBER OR FBI EMPLOYEE NOMINATED BY THE DIRECTOR OF THE FBI**

The Director of the FBI shall submit a nominee to the Attorney General to serve out the term.

### **(C) AT-LARGE MEMBER NOMINATED BY THE CHAIRMAN OF THE COMPACT COUNCIL**

The Chairman shall select one of the alternates previously identified, as specified in Section 54.3. The Chairman shall submit this nominee to the Attorney General for appointment to serve out the term. If no available candidates remain, the Chairman shall request recommendations for the nomination from all members of the Compact Council and the Compact officers of other Party States. Considering the recommended individuals, the Chairman shall select a nominee.

### **(D) FBI'S ADVISORY POLICY BOARD (APB) MEMBER NOMINATED BY THE APB**

The Chairman of the APB shall submit a nominee to the Attorney General to serve out the term.

## **76.0 OFFICERS**

The officers of the Compact Council shall be a Chairman and Vice Chairman. The Compact Council shall elect these officers from its members who are Compact officers.

## **76.1 DUTIES OF OFFICERS**

The Chairman shall:

(A) Prepare the agenda for Compact Council meetings and preside over these meetings;

(B) Designate another Compact Council member to preside over Compact Council meetings when both the Chairman and Vice Chairman are going to be absent;

(C) Coordinate with the FBI Compact officer on all administrative matters relating to the Compact Council, including notification to the appropriate nominating authority(ies) concerning any vacancies on the Compact Council that must be filled;

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(D) Establish Committees of the Compact Council, appoint the Committee Chairmen, and prescribe their membership, responsibilities, and duration;

(E) Hold elections with state Compact officers to nominate candidates for appointment to the Compact Council;

(F) Nominate two persons to serve on the Compact Council as at-large members; and

(G) Represent the Compact Council at various governmental and other functions to further the goals of the Compact Council.

The Vice Chairman of the Compact Council shall serve as the Chairman of the Compact Council in the absence of the Chairman.

### 76.2 QUALIFICATIONS OF CHAIRMAN AND VICE CHAIRMAN

The Chairman and Vice Chairman of the Compact Council--

(A) shall be members of the Compact Council; and

Compact Council.

..... (B)

### 76.3 TERM OF OFFICERS

The Chairman and Vice Chairman of the Compact Council shall serve two-year terms. They may each be reelected to only one additional two-year term.

### 76.4 ELECTIONS OF OFFICERS

Elections of the Chairman and Vice Chairman shall be held at the first Compact Council meeting after September 30th in those years when elections are necessary. The Compact Council member who is an FBI employee shall conduct the election of the Chairman. and shall abstain from voting unless necessary to break a tie.

Each member of the Compact Council may nominate a qualified candidate for Chairman. The election of the Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

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The newly elected Chairman shall conduct the election for the Vice Chairman, and shall abstain from voting unless necessary to break a tie. Each member of the Compact Council may nominate a qualified candidate for Vice Chairman. The election of the Vice Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

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### **76.5 VACANCIES**

In the event of a vacancy in the office of Chairman, the Vice Chairman shall succeed the Chairman for the remainder of the term of office and shall hold a special election for a new Vice Chairman at the next Compact Council meeting. If both offices become vacant, the Compact Council member who is an FBI employee shall call for and hold a special election for the remainder of the terms of office. Nominations and voting shall be made in the same manner as stated in Section 76.4. Serving for a partial term will not be counted toward the two-term limit set in Section 76.3.

### **87.0 MEETINGS**

#### **87.1 FREQUENCY AND LOCATION OF MEETINGS**

The Compact Council shall meet at least once a year at the call of the Chairman. Before adjourning a Compact Council meeting, the Chairman shall solicit recommendations from the Compact Council regarding the date and location for the next Compact Council meeting. All meetings shall be held at a place reasonably accessible to the public.

#### **87.2 PRESENCE OF OFFICERS**

The Chairman, Vice Chairman, or Chairman's designee must be present at Compact Council meetings.

#### **87.3 NOTICE OF MEETINGS**

A notice of each meeting of the Compact Council shall be published in the *Federal Register* at least 30 days' prior to the meeting. The notice shall include the matters to be addressed at the meeting.

#### **87.4 CONDUCT OF MEETINGS**

All meetings shall be conducted in compliance with Roberts Rules of Order (latest revision) except as otherwise provided in these Bylaws.

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### 87.5 PROXIES

A Compact Council member may designate a proxy for a Compact Council meeting by notifying the Chairman in writing prior to the meeting for which the proxy is given. The proxy shall be a knowledgeable person from the same agency as the Compact Council member who is being represented, or a Compact officer or the chief administrator of a criminal history record repository of another State which does not have a member on the Compact Council.

Due to the unique working knowledge of Compact Council members who serve on Compact Council Committees, the members shall be expected to attend Committee meetings whenever possible and may not designate proxies.

### 87.6 ATTENDANCE AT MEETINGS

Members of the Compact Council shall attend all Compact Council meetings or send a proxy if their attendance is not possible. If a Compact Council member or his/her proxy fails to attend two consecutive Compact Council meetings, then such Compact Council member shall relinquish membership on the Compact Council and the Chairman of the Compact Council shall begin the process of appointing a new member.

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A simple majority of the Compact Council or any Committee of the Compact Council shall constitute a quorum of the Compact Council or of such Committee, respectively, for the conduct of business. No vote shall be taken without a quorum. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

### **87.9 VOTING**

Only members or their proxies in attendance at Compact Council meetings shall be eligible to make motions and vote. Except for amendments to the Bylaws, all votes shall be decided by a simple majority of those members of the Compact Council present.

- 7.10 **RECONSIDERATION OF PAST ACTIONS** An action previously voted upon at any Compact Council meeting and adopted may be reconsidered at the next duly constituted meeting only if a person who voted in the direction of the motion moves to have the past action reconsidered. Any action taken more than one meeting in the past, however, may be reconsidered based on a motion by any member.

### **8.107.11 AGENDA**

The agenda for a Compact Council meeting shall be set and mailed or communicated electronically to each member so that it is received at least thirty days in advance of the meeting. The Chairman shall be the final arbiter of all agenda items.

### **8.117.12 MINUTES AND RECORDS OF THE COMPACT COUNCIL**

Minutes, records, transcripts, and other documents of the Compact Council shall be administered by the FBI. The Compact Council shall make available for public inspection and copying at the Compact Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Compact Council.

The FBI shall distribute draft minutes to the Compact Council members within sixty days after a Compact Council meeting. The draft minutes shall be considered for approval at the next Compact Council meeting. The final approved minutes of meetings shall be available to the public upon request. Minutes of Compact Council meetings shall be kept and maintained at the: Compact Council Office, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0145.

### **8.12 7.13 ADJOURNMENT OF MEETINGS**

A meeting may be adjourned by the Chairman if he/she believes it is in the public interest. at any time with a majority vote of the Compact Council.

### **98.0 COMPENSATION**

## **DRAFT**

Members of the Compact Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed--

(A) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of title 5, United States Code); or

(B) to become entitled by reason of Compact Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

The FBI shall reimburse members or proxies of the Compact Council and members of Compact Council committees for approved travel and subsistence expenses for attendance at meetings from available funds appropriated to the FBI.

### **109.0 ASSISTANCE FROM THE FBI**

The Compact Council may request from the FBI such reports, studies, statistics, or other information or materials as the Compact Council determines to be necessary to enable the Compact Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request. The FBI shall provide administrative support for the Compact Council, attend meetings, and provide assistance to the Compact Council during meetings as requested by the Chairman.

### **1110.0 COMMITTEES**

The Chairman shall establish Committees as necessary to carry out the National Crime Prevention and Privacy Compact and may prescribe their membership, responsibilities, and duration. Committees may be composed of both Compact Council members and individuals who are subject matter specialists but are not Compact Council members.

Due to the unique working knowledge of Compact Council members who shall be appointed to serve on Compact Council Committees, the members are expected to attend Committee meetings whenever possible and shall not designate a proxy. If it becomes necessary to send a proxy, the committee member should ensure that the proxy has the appropriate subject matter expertise.

TheAn FBI representative shall attend all Committee meetings, provide administrative support, and provide for expenses as appropriated funds are available.

### **1211.0 DISCRIMINATION PROHIBITED**

## **DRAFT**

With regard to all Compact Council and Compact Council Committee matters, there shall be no discrimination on the basis of race, color, national origin, religion, age, or sex, or disability.

### **1312.0 AMENDMENTS TO BYLAWS**

Proposed amendments to these Bylaws shall be sponsored by a member of the Compact Council and shall be mailed or communicated electronically to the members of the Compact Council at least twenty-one thirty days before the meeting at which the amendment will be considered. These Bylaws may be amended by adoption of a motion. The motion shall contain the exact wording of the change and contain an effective date. At least a two-thirds majority of the voting Compact Council members present is required for the motion to pass.